

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	CASE NO. CR02-174-JCC
)	
Plaintiff,)	
)	
v.)	SUMMARY REPORT OF U.S.
)	MAGISTRATE JUDGE AS TO
JUSTIN MICHAEL MOY,)	ALLEGED VIOLATIONS
)	OF SUPERVISED RELEASE
Defendant.)	
_____)	

An evidentiary hearing on supervised release revocation in this case was scheduled before me on October 19, 2006. The United States was represented by AUSA Patricia Lally and the defendant by Robert Leen. The proceedings were digitally recorded.

Defendant had been sentenced on or about September 6, 2002 by the Honorable John C. Coughenour on a charge of Uttering Forged Securities, and sentenced to nine months custody, three years supervised release.

The conditions of supervised release included the standard conditions plus the requirements that defendant participate in drug testing, not possess any firearm, submit to search, participate in substance abuse treatment and counseling, abstain from alcohol, participate in mental health

01 treatment, maintain a single checking account, provide access to financial information including
02 business records if applicable, disclose all assets and liabilities, allow inspection of computer, no
03 new credit, do not possess identification in any but true name, and report all vehicles owned and
04 operated by defendant. (Dkt. 22).

05 On February 25, 2004, defendant admitted to violating the conditions of supervised release
06 by resisting arrest. (Dkt. 20). Defendant was sentenced to 60 days home confinement with
07 electronic monitoring. (Dkt. 32).

08 On November 9, 2005 defendant was sentenced to four months imprisonment for violating
09 supervised release by leaving the jurisdiction without permission and committing the crime of
10 attempted theft, followed by twelve months supervised release. (Dkt. 47).

11 In an application dated June 1, 2006 (Dkt 48), U.S. Probation Officer Felix Calvillo, Jr.
12 alleged the following violations of the conditions of supervised release:

13 1. Committing the crime of Operating a Motor Vehicle without Insurance and Driving
14 while License Suspended, in King County, Washington on or about April 19, 2006 in violation of
15 the general condition that he not commit a federal, state or local crime.

16 2. Committing the crime of Failing to Wear a Safety Belt, in King County,
17 Washington on or about April 20, 2006, in violation of the general condition that he not commit
18 a federal, state or local crime.

19 3. Committing the crime of Driving Under the Influence - Liquor and Driving While
20 License Suspended 3rd Degree, in King County, Washington on or about April 21, 2006 in
21 violation of the general condition that he not commit a federal, state or local crime. (This violation
22 was amended to charge committing the crime of Negligent Driving in the 1st degree).

01 Defendant was advised in full as to those charges and as to his constitutional rights.

02 Defendant admitted alleged violation 1 and amended violation 3 and waived any
03 evidentiary hearing as to whether they occurred. The government moved to dismiss violation 2.

04 I therefore recommend the Court find defendant violated his supervised release as alleged
05 in violations 1 and amended violation 3, that the Court dismiss violation 2, and that the Court
06 conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge
07 Coughenour.

08 Pending a final determination by the Court, defendant has been detained.

09 DATED this 19th day of October, 2006.

10 

11 Mary Alice Theiler
12 United States Magistrate Judge

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14 cc: District Judge: Honorable John C. Coughenour
15 AUSA: Patricia Lally
16 Defendant's attorney: Robert Leen
17 Probation officer: Felix Calvillo, Jr.
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